



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,864	11/19/2001	Jacques Agostini	33900-91	9200

7590 03/21/2003

Martin B. Pavane, Esq.
Cohen, Pontani, Lieberman & Pavane
Suite 1210
551 Fifth Avenue
New York, NY 10176

EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 03/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,864

Applicant(s)

AGOSTINI, JACQUES

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to clearly show the diametrical notches 11, 12 as described in the specification. Figure 1 has these reference characters but they appear to respectively point to the beveled surface of the bore and the bore. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 12a. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 10a and m.

The drawings are objected to because reference character "e" appears as a dimension character rather than a reference character showing a shoulder as described in the specification.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the angular length and the width of the ring must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.. In this instance case, "This invention relates to".

The term "elemenr" in line 2 is misspelled.

Claim Objections

Claim 1 is objected to because of the following informalities:

regarding claim 1, the limitation "elemenr" in line 2 is misspelled; "it" in line 3 should be --the joint--; --from-- should be inserted after "extending" in line 5; --a-- should be inserted before "ball"; "its spherical wall" in line 8 should be --a spherical wall of the ball--; and "that" in line 12 should be --a--;

regarding claim 4, --a-- should be inserted before "stop" in line 1;

regarding claim 8, "the" in line 1 should be deleted; "the limiting" should be --a limiting--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the "the respective ends" in line 9 lacks antecedent basis since "respective ends" have not been previously recited.

Regarding claims 6, the limitation "it" in line 2 is unclear what feature of the invention it represents. Furthermore, the limitation "gripped with a view to being fixed to the ring" in line 2 is unclear. How can it be gripped with a view? Is applicant making a comparison?

Regarding claims 2-5, 7 and 8, the claims depend from claim 1 and therefore are indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Reel, 5,372,373 (see marked-up copy).

Regarding claim 1, Reel discloses in Fig. 2 a joint comprising a nut **26**, a ring **42**, and a lock-nut **28**. The nut **26** is provided with an axial cavity **44** presenting spherical walls **40B** opening out in a divergent bore **A4** made inside a threaded sleeve **26B** extending from the nut **26**. The ring **42** comprises a portion of a ball **42** having a spherical wall **42B**.

Regarding claims 2 and 6, applicant is reminded that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).3.

Regarding claim 3, the ring **42** is tapped. Furthermore applicant is reminded that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).3.

Regarding 4, the ring **42** comprises a throat **68**.

Regarding claim 7, the nut **26** comprises an annular shoulder **26A** defining a face **A15**.

Regarding claim 8, respective outer lateral edges **A16** of the cavity **44** and of the bore **A4** are beveled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reel, 5,372,373, in view of Duncan, 3,941,495 (see marked-up copy).

Regarding claim 5, Reel, as discussed above, fails to disclose the cavity **44** comprises two diametrically opposite lateral notches; and each of the notches has a angular length slightly greater than a width of the ring **42**. Duncan teaches in Figure 2, as prior art, a cavity **24** comprising two diametrically opposite lateral notches **30, 32**; and, each of the notches **30, 32** has a angular length **A12** slightly greater than a width **A13** of the ring **42** to facilitate insertion of a ring into the cavity (col. 1, lines 28-34). Therefore, as taught by Duncan, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include two diametrically opposite lateral notches each having an angular length slightly greater than the width of the ring of Reel to facilitate insertion of the ring into the cavity.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson, Morse, and the French patent 1,206,922, show a similar joint. Vauchel discloses a similar joint as prior art. Markovits teaches a ring with a throat.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

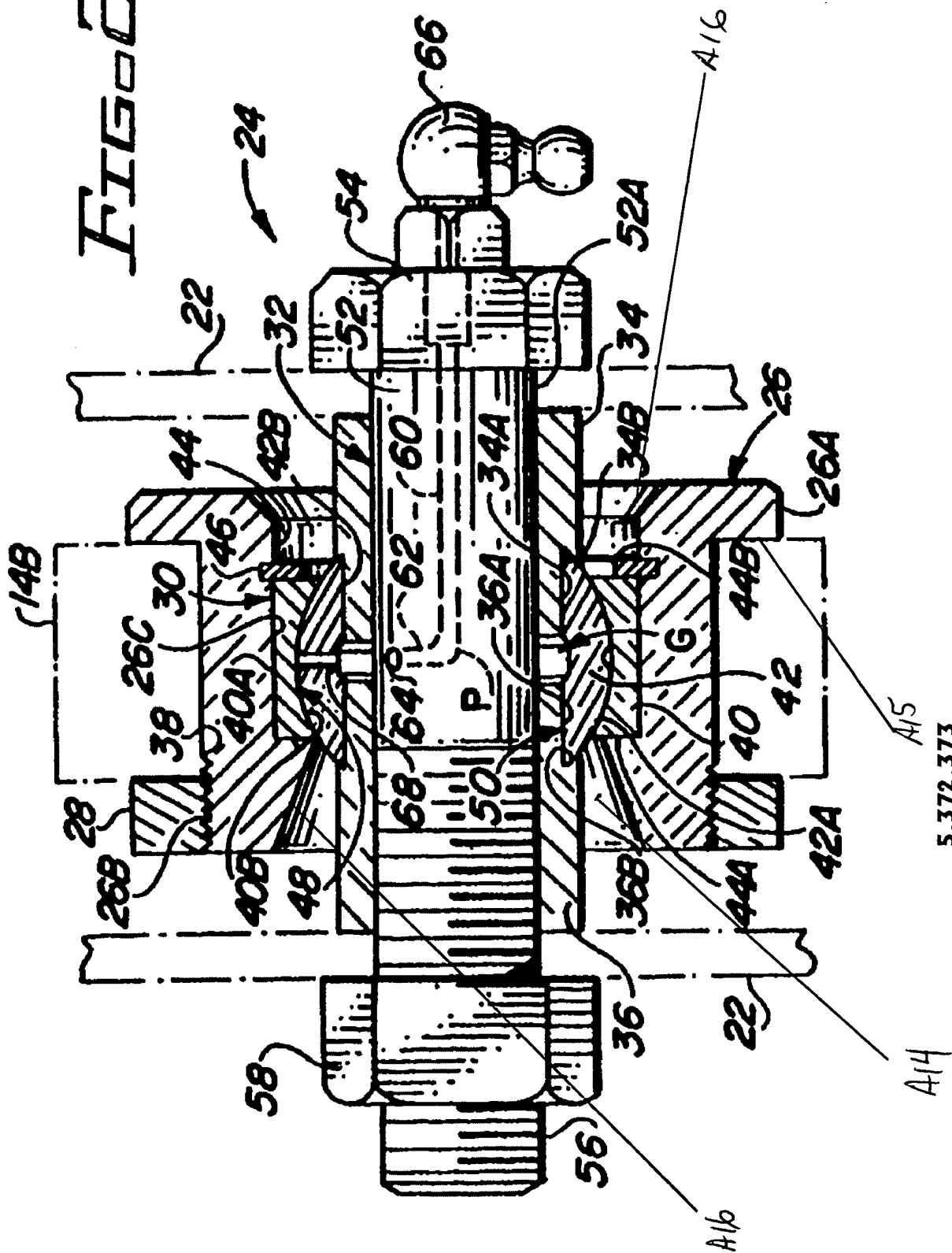

Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3600

E.G.

March 10, 2003

Attachments: one marked-up copy of Reel, 5,372,373; and,
one marked-up copy of Duncan, 3,941,495.

FIG. 2



5,372,373

3,941,495

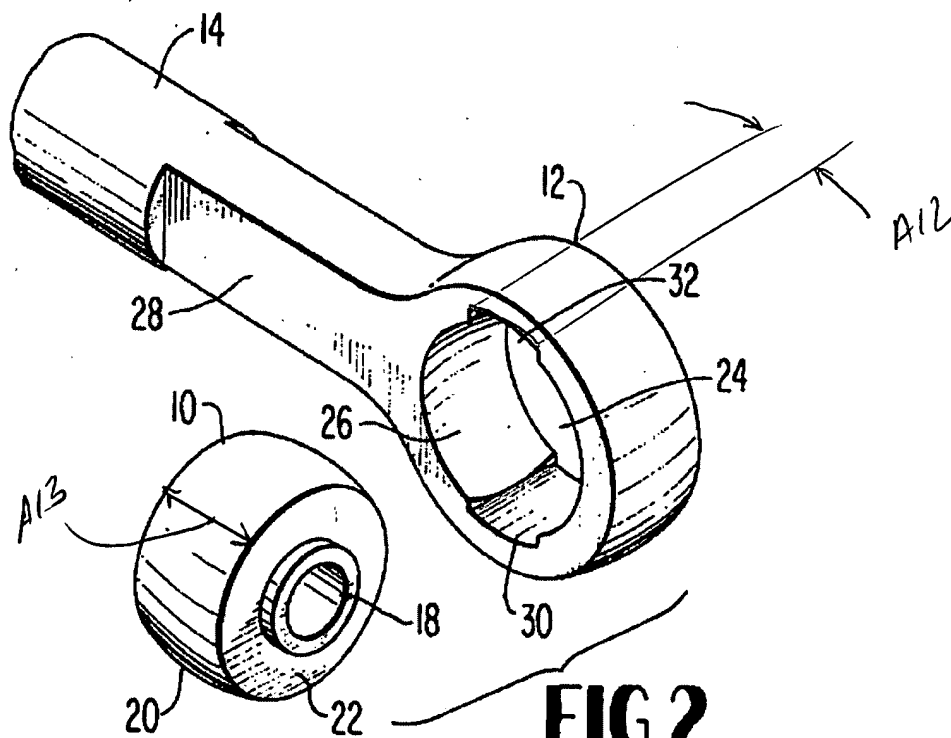


FIG. 2
PRIOR ART